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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ART TOBIAS,)	Case No. 2:17-cv-1076-DSF-AS
)	
Plaintiff,)	JOINT PROPOSED ORDER
)	
v.)	
)	
CITY OF LOS ANGELES, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

1 **JOINT PROPOSED ORDER CONCERNING**
2 **PRETRIAL CONFERENCE AND TRIAL SETTING**

3 COME NOW Plaintiff ART TOBIAS, Defendant City of Los Angeles,
4 Defendant Detectives Motto, Arteaga, Cortina, and Pere, and Defendant Los
5 Angeles Police Department Officers Born and Cooley, by and through their
6 attorneys, having met and conferred pursuant to this Court's Order concerning
7 Pretrial Conference and Trial Dates [Dkt. 309], and state as follows:

8 **A. Proposed Trial Date**

9 Given the parties' respective trial schedules and deadlines through Summer
10 2023, the Parties' earliest mutually agreeable trial setting is in August 2023.
11 Accordingly, the parties propose a pretrial conference date of August 7, 2023, and
12 a trial date of August 22, 2023.

13 **B. Updated Pretrial Documents**

14 The parties agree that for the most part, updated pretrial documents are
15 unnecessary. The Court has already ruled on motions *in limine* and so those issues
16 should not be re-litigated.

17 The Detective Defendants contend that the United States Supreme Court's
18 recent opinion in *Vega v. Tekoh*, 142 S. Ct. 2095 (2022) impacts Plaintiff's claims.

19 Plaintiff disagrees and contends that *Vega* has no application to this case
20 and, further, that there should not be any additional litigation on Plaintiff's Fifth
21 Amendment Claim, which has already been addressed in many dispositive motions
22 and on appeal.

23 The parties are currently discussing whether further motion practice would
24 be necessary or appropriate, as well as whether limited supplemental pretrial
25 documents are necessary in response to the change in the law.

1 That said, the parties agree it is prudent to re-submit (1) exhibit lists, (2)
2 witness lists, and (3) a proposed final pretrial order.

3 Defendants also note that, depending on resolution of issues described
4 above, they believe updated pleadings may be necessary to reflect the *Vega*
5 decision (i.e., updated jury instructions).

6 **C. Other Issues**

7 For Plaintiff: Aside from opposing any effort permit additional litigation on
8 Plaintiff's already exhaustively-litigated Fifth Amendment claim because of
9 *Vega*—a decision that has nothing to do with Plaintiff's claims here—none
10 at this time.

11 For Defendants: As discussed in Section B, the Detective Defendants
12 contend that the Supreme Court's opinion in *Vega v. Tekoh*, 142 S. Ct. 2095
13 (2022) limits and/or precludes certain claims by Plaintiff. If the parties
14 cannot agree on the impact of the *Vega* opinion, the Detective Defendants
15 anticipate submitting a motion with the relevant issues for the Court's
16 adjudication.

17 **Respectfully submitted,**

18 Dated: Nov. 23, 2022

LOEVY & LOEVY

By: /s/ David B. Owens

David B. Owens, Cal. Bar No. 275030
Attorney for Plaintiff ART TOBIAS

19 Dated: Nov. 23, 2022 BURKE WILLIAMS & SORENSON LLP

20 By: /s/ Susan Coleman

Susan E. Coleman

1 Attorney for Defendants CITY OF
2 LOS ANGELES, OFFICERS DORA
BORN and MARSHALL COOLEY

3 Dated: Nov. 23, 2022 ORBACH HUFF & HENDERSON

4 By: /s/ Kevin Gilbert
Kevin E. Gilbert
5 Attorney for Defendants
6 DETECTIVES MICHAEL ARTEAGA,
JEFF CORTINA, JOHN MOTTO and
7 JULIAN PERE
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